

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

United States of America,)	
)	
Plaintiff,)	
)	
vs.)	File No. 1:20-cr-107
)	
Dawson M. Rouse,)	
)	
Defendant.)	

TRANSCRIPT OF CHANGE OF PLEA

Taken at
United States Courthouse
Bismarck, North Dakota
February 14, 2022

BEFORE THE HONORABLE DANIEL L. HOVLAND
-- UNITED STATES DISTRICT COURT JUDGE --

APPEARANCES

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FOR THE UNITED STATES

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FOR THE DEFENDANT

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1 (The above-entitled matter came before the Court, The
2 Honorable Daniel L. Hovland, United States District Court
3 Judge, presiding, commencing at 8:29 a.m., Monday, February 14,
4 2002, in the United States Courthouse, Bismarck, North Dakota.
5 The following proceedings were had and made of record in open
6 court with the defendant present.)

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8 THE COURT: We will open the record in the case of
9 *United States of America versus Dawson Rouse*. Here on behalf
10 of the federal government is Assistant U.S. Attorney Gary
11 Delorme. Representing the defendant here is Attorney Mike
12 Hoffmann from Bismarck. Mr. Rouse, how are you?

13 THE DEFENDANT: I'm okay, Your Honor. Yourself?

14 THE COURT: Good. This is scheduled as a change of
15 plea hearing on 21 separate counts set forth in an Information.
16 The parties filed a Plea Agreement on December 3rd of this year
17 (sic), along with a Plea Agreement Supplement. I've gone
18 through the Plea Agreement. Mr. Delorme, maybe you can
19 summarize here on the record what the parties have agreed upon
20 here.

21 MR. DELORME: Yes, Your Honor. Mister -- per the
22 agreement, Mr. Rouse will plead guilty to each of the 21 counts
23 in the Information today, and those are counts of coercion or
24 attempted coercion or enticement of a minor and receipt of
25 child pornography or attempted receipt of child pornography.

1 The counts that are coercion or attempted coercion are 1, 3, 4,
2 5, 6, 8, 9, 10, 11, 14, 15, 16, 17, 18 and 20. The receipt or
3 attempted receipt are Counts 2, 7, 12, 13, 19 and 21.

4 The guidelines range in this particular matter, Your
5 Honor, is going to be quite high, probably likely a range the
6 Court is not used to seeing. There's a 28 base offense level,
7 and then there's six additional enhancements. And then there's
8 a 21-level enhancement for multiple victims and -- per
9 Chapter 4, so we anticipate that the PSR will reflect a total
10 offense level of 57. Minus three brings it down to a 54. And
11 in that range, Your Honor, it would be a life range for the
12 counts of the coercion or attempted coercion and up to 20 years
13 max for the receipt or attempted receipt.

14 The United States can offer the Court any
15 recommendation within the guideline range or below.
16 Mr. Hoffmann will also be allowed to give any recommendation to
17 the Court down to the mandatory minimums if he feels the need
18 to.

19 THE COURT: Very well. Mr. Hoffmann, anything you
20 want to add to that summary?

21 MR. HOFFMAN: No, Your Honor.

22 THE COURT: All right. So, Mr. Rouse, I need to
23 visit with you on the record about this case and your intent to
24 plead guilty to these 21 separate counts. I'll go through the
25 Plea Agreement with you. I am not going to cover every

1 paragraph of the Plea Agreement, but I'll cover the paragraphs
2 that I'm required to make sure that you understand.

3 I'll need to ask you some questions about what was
4 going on here, as well as some questions about your background.
5 I don't know anything about you. What I have in my file in
6 front of me is simply the charge and the Plea Agreement.
7 That's what I know about the case.

8 If you have any questions as we go through the Plea
9 Agreement, don't hesitate to speak up. You're free to ask
10 questions here as a part of this hearing, and there's no such
11 thing as a foolish question.

12 And in terms of wearing the mask, I'll leave that to
13 your discretion. You don't have to wear it when you're talking
14 if you don't want to, but if you're more comfortable wearing a
15 mask, then please feel free to do so.

16 But you are how old today, sir?

17 THE DEFENDANT: Twenty-three, Your Honor.

18 THE COURT: All right. And are you married, have any
19 children?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: And how far have you gone in your
22 schooling?

23 THE DEFENDANT: I just completed my junior year at
24 the University of Mary right prior to my arrest.

25 THE COURT: And what were you pursuing there?

1 THE DEFENDANT: I was majoring in biology, with a
2 minor in chemistry in the predental program, looking to become
3 a periodontal oral surgeon.

4 THE COURT: Okay. And what kind of grades were you
5 pulling down?

6 THE DEFENDANT: Usually Bs and -- As and Bs.

7 THE COURT: All right. And went to school here in
8 Bismarck?

9 THE DEFENDANT: Yes, sir, St. Mary's Central High
10 School.

11 THE COURT: Okay. Ever been in trouble with the law
12 before?

13 THE DEFENDANT: Only traffic tickets, Your Honor.

14 THE COURT: Okay. And do you -- your parents live in
15 town?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And you have any brothers and sisters?

18 THE DEFENDANT: Yes, Your Honor. I have one younger
19 brother, 16, who attends St. Mary's.

20 THE COURT: Okay. And are your parents here today?

21 THE DEFENDANT: Yes, Your Honor, they are.

22 THE COURT: And where are they seated? Okay.

23 Do you feel that you've had adequate time to review
24 this case with your attorney, Mr. Hoffmann?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Have you been given an opportunity to
2 review the discovery or the evidence that the government
3 would've been required to turn over to your attorney?

4 THE DEFENDANT: The vast majority of it, yes, Your
5 Honor.

6 THE COURT: All right. And with respect to the Plea
7 Agreement, do you feel you've had adequate time to review that
8 document with your attorney?

9 THE DEFENDANT: I do, Your Honor.

10 THE COURT: Did you read the Plea Agreement before
11 you signed it?

12 THE DEFENDANT: Yes, Your Honor, I did.

13 THE COURT: Did Mr. Hoffmann give you an opportunity
14 to ask questions about the Plea Agreement and what it all means
15 for you?

16 THE DEFENDANT: Yes, sir, he did.

17 THE COURT: All right. Have you ever struggled with
18 any issues in your life related to the abuse, misuse of alcohol
19 or street drugs?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: Have you ever been treated for any mental
22 health issues at any time throughout your life?

23 THE DEFENDANT: No, sir, I have not.

24 THE COURT: And you're in good physical health today?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And in terms of your overall mental
2 health, your mind is clear today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: So where have you been housed, and how
5 long have you been housed in a correctional facility?

6 THE DEFENDANT: So I was re-arrested on the 18th of
7 May, 2020. I spent approximately six months in Burleigh-Morton
8 Detention Center. Was then moved to the Heart of America
9 Correctional and Treatment Center in Rugby, North Dakota, for
10 one day short of six months. And then I was housed in
11 Washington County Justice Center in Akron, Colorado, for
12 seven months. And I'm now being housed at the Stutsman County
13 Correctional Center in Jamestown, and I've been there since the
14 beginning of January.

15 THE COURT: All right. So have you been treated in a
16 respectful manner in those facilities?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Good. So do you have a copy of the Plea
19 Agreement there in front of you?

20 THE DEFENDANT: I do, Your Honor.

21 THE COURT: First of all, turning to the last page of
22 the Plea Agreement, is that your signature on page 18?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And this charge is -- arises out of an
25 Information now, correct?

1 MR. DELORME: Yes, Your Honor.

2 THE COURT: Has there been a Waiver of Indictment
3 signed, Mr. Hoffmann, or --

4 MR. DELORME: I don't believe we have one yet, Your
5 Honor.

6 THE COURT: All right.

7 MR. DELORME: I'll have to run up -- go up and get
8 one.

9 THE COURT: Very well.

10 MR. DELORME: May I have a couple minutes just to
11 run -- grab one, Your Honor, or do you want us to do it after
12 the hearing?

13 THE COURT: We can do it after the hearing. There's
14 a waiver provision in the Plea Agreement, I see, but --

15 MR. DELORME: Yes, Your Honor.

16 THE COURT: So, first of all, if you could turn to
17 paragraph 6 of the Plea Agreement, Mr. Rouse -- and is that how
18 you correctly pronounce your last name?

19 THE DEFENDANT: No, Your Honor, it's Rouse.

20 THE COURT: Rouse. Okay.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Sorry. Paragraph 6 is a very lengthy
23 paragraph. It starts on page 2, and it runs all the way to the
24 top of page 10 of the Plea Agreement. The purpose of paragraph
25 6 is to provide a brief factual summary of what was going on

1 here. It explains why you were charged with these crimes in
2 the federal district court of North Dakota.

3 I can't just accept a plea of guilty from somebody
4 unless I know that there are sufficient facts that have been
5 outlined in the Plea Agreement or agreed upon by the parties in
6 some document that supports finding you guilty of these
7 offenses, so almost every Plea Agreement contains a summary of
8 the underlying facts that resulted in the federal charges being
9 brought against that particular defendant. You've reviewed
10 paragraph 6 with Mr. Hoffmann, correct?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Is the factual information contained in
13 paragraph 6 of the Plea Agreement as it relates to you true and
14 accurate information?

15 THE DEFENDANT: Yes, sir, it is.

16 THE COURT: And when was it that you were arrested,
17 and where were you arrested on these charges?

18 THE DEFENDANT: Originally I was arrested down the
19 street from my house on April, I believe, 24th of 2020, on
20 state charges. I was housed in Burleigh-Morton for several
21 days. Bond was set. I posted bond. I was out on bond for --
22 I believe it was 18 days, and then re-arrested on more charges
23 stemming from the initial investigation. And bond was set at
24 \$250,000, cash only, and that was obviously not something that
25 we could afford. And shortly thereafter I was served with a

1 federal arrest warrant and indicted.

2 THE COURT: So you're obviously a smart guy. Why --
3 or how'd you get caught up in this scheme?

4 THE DEFENDANT: Honestly, Your Honor, that's
5 something I've been asking myself the last 20, almost 21 months
6 here. I'm really not sure. I guess over the course of my life
7 I've made mistakes, I've struggled with certain things, and
8 this was the result of that.

9 THE COURT: So were the communications that went on
10 in this case all on Facebook, Twitter, Snapchat? Where did
11 most of the communications occur?

12 THE DEFENDANT: The majority of the communications
13 occurred on either Snapchat or text messages.

14 THE COURT: Okay. And the young ladies that you were
15 having communications with, were most of them from the
16 Bismarck-Mandan area?

17 THE DEFENDANT: To the best of my knowledge, yes,
18 Your Honor.

19 THE COURT: And the age range was what?

20 THE DEFENDANT: Twelve to seventeen, Your Honor.

21 THE COURT: All right. So you don't know what
22 triggered all this.

23 THE DEFENDANT: No, Your Honor.

24 THE COURT: And what -- I guess I'm curious as to
25 whether you had had communications with young women that are

1 18 years of age and over, or --

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: -- were all your communications to
4 minors?

5 THE DEFENDANT: Sorry. Can you repeat the question,
6 Your Honor?

7 THE COURT: Did you have similar communications via
8 Snapchat where you hooked up with 18-plus-year-old women, or
9 were --

10 THE DEFENDANT: Yes, Your Honor, I did.

11 THE COURT: -- all of your communications with
12 minors?

13 THE DEFENDANT: I had with 18-plus as well, Your
14 Honor. In fact, in the discovery there is an instance where
15 the investigators went and tried to meet somebody that I had
16 made contact with that was over the age of 18 because she
17 shared a name with one of the people on my Indictment.

18 THE COURT: So did it ever cross your mind that
19 there's a problem having sexual contact with females under the
20 age of 18 or 16 or --

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: So how did -- or what were the
23 circumstances surrounding your arrest? Were you arrested at
24 your home?

25 THE DEFENDANT: Directly down the road from my house.

1 It was mid-afternoon on a Friday. I had -- I was on my way
2 over to my grandmother's condo to pick up our lawnmower for the
3 spring and summer season, and there was a vehicle in front of
4 me. It stopped.

5 Two officers exited the vehicle and approached me,
6 asked me to step out of the vehicle. I complied, was
7 handcuffed, was then placed in the back of a marked Bismarck
8 Police Department squad car, which was driven up the road to my
9 house. They executed a search warrant on the shop at my house,
10 and then I was taken to Burleigh-Morton Detention Center.

11 THE COURT: What do you mean "the shop" on your -- in
12 your house?

13 THE DEFENDANT: We have a detached garage, shop at
14 our house, and there was a search warrant executed there.

15 THE COURT: And is that where the computer or
16 computers were located that most of the conversations took
17 place on, or was it all cell phone communication?

18 THE DEFENDANT: No, sir, the cell phone that the
19 communications occurred on was on my person when they arrested
20 me and asked me to remove myself from the vehicle.

21 THE COURT: So did you have more than one cell phone
22 that was seized and searched?

23 THE DEFENDANT: Yes, Your Honor, I did.

24 THE COURT: How many?

25 THE DEFENDANT: Two of them, an iPhone XS and one

1 iPhone 6S. The iPhone 6S was not an active phone, though. It
2 was not connected to any number or any subscription service.

3 THE COURT: And was there more than one computer,
4 laptop, iPad, whatever it may be in the shop in your house?

5 THE DEFENDANT: No, Your Honor, just -- the iPhone 6S
6 was the only device that was recovered from there.

7 THE COURT: So where were most of the images seized
8 from, what computer device?

9 THE DEFENDANT: On the iPhone XS that was in my
10 vehicle when I was arrested, which was my main, daily-use cell
11 phone.

12 THE COURT: So from your review of the discovery and
13 discussions with your attorney, how was this -- these matters
14 first brought to the attention of law enforcement?

15 THE DEFENDANT: How they were first brought to the
16 attention of law enforcement, it was approximately a week prior
17 to my initial arrest. I had spent some time with two young
18 women. Should not have. We drove around for quite some time.
19 I returned them to their homes.

20 And I got a call from Officer Brett Naill of the
21 Bismarck Police Department several days later asking me
22 basically what was going on and informed me that they were
23 being issued curfew violation citations and that they had said
24 that no untoward conduct had occurred, and I thought that was
25 that.

1 And several days later this whole incident with the
2 vehicle stopping in front of me and the two officers emerging
3 occurred.

4 THE COURT: And the two young women that you
5 mentioned earlier, how old were they?

6 THE DEFENDANT: They were 14 and 14.

7 THE COURT: And there was sexual contact with both of
8 those young girls?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Sexual contact with one of them?

11 THE DEFENDANT: Neither, Your Honor.

12 THE COURT: Okay.

13 THE DEFENDANT: And they're the persons in Count 1
14 and Count 2.

15 THE COURT: Those are the individuals --

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: -- identified in those counts.

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Okay. What about the victims identified
20 in Counts 3 through 21? There was sexual contact with most, if
21 not all, of those young ladies?

22 THE DEFENDANT: No, not most, only a few of them,
23 Your Honor.

24 THE COURT: So, Mr. Delorme, maybe you can shed a
25 little light for my benefit of how this all evolved.

1 MR. DELORME: Sure, Your Honor. I think Mr. Rouse is
2 being pretty forthright for -- with you at this point. The two
3 individuals identified as E.V. and M.G. in Counts 1 and 2, they
4 both lived together in the same residence. One of them was a
5 foster child of the parent. The other one was a biological
6 child. They had been friended by Mr. Rouse in Snapchat.
7 Almost every one of these are going to be Snapchat
8 communications with every victim, but they were friended in
9 Snapchat, Your Honor.

10 with the one, M.G., there was request for images to
11 be sent. She did send images to Mr. Rouse over a period of
12 time. Those would've been images depicting her nude and
13 masturbating, Your Honor. There were some, I guess, not
14 topless, but bra-type pictures of E.V. that were sent.

15 Count 1 is based upon Mr. Rouse requesting that these
16 two individuals sneak out of the home, meet him. He parked
17 about a block or two away from the residence of where these two
18 young ladies lived. They did sneak -- snuck out of the house,
19 went to his vehicle. He drove around for a while, parked by
20 the river. Count 1 is an attempt because he was attempting to
21 engage in sexual conduct with E.V., trying to grab her by her
22 inner thigh. She did reject his advances on her, so eventually
23 he did bring them home.

24 And Count 2 was based upon the images and in the
25 interview of M.G. that were recovered from the cell phone that

1 he was talking about. It was that initial report that came
2 into Officer Naill, Your Honor. It was forwarded to Detective
3 Rask, who's sitting beside me, and he's -- he's done the lion's
4 share of the work on this particular case.

5 via interviews with them, he discovered there were
6 additional females that were connected to Mr. Rouse and that
7 these two -- two young ladies also knew about. And he
8 interviewed -- approached and interviewed several -- several of
9 them, discovered that there was a pattern in place here with
10 communications on Snapchat.

11 And each one of these communications, Your Honor,
12 almost every one that was recovered, you can see that ages were
13 discussed relatively early. The females would give their age.
14 Mr. Rouse would sometimes give his age. Sometimes he'd give a
15 much lower age. Sometimes he would send them an image of a
16 driver's license or ID card that appeared to depict him as
17 younger than what he was. It looked like it had been somehow
18 doctored digitally for the young ladies. But based on that
19 pattern is what the search warrant and the arrest warrant was
20 based off of that Mr. Rouse was talking about and the arrest.

21 After that, Your Honor, it was -- once the phone was
22 seized, it was just a matter of -- once they got into the phone
23 and found several of the folders inside of it, they were able
24 to track down each one of these individuals either via those --
25 that information in the phone, or once they would find one

1 female, another female would talk about another girl that she
2 was aware of as well.

3 THE COURT: But the pattern in each -- with each
4 victim was similar? There were Snapchat communications, then
5 evolved to exchange of nude photos, and then hooking up at some
6 point in time someplace, somewhere in the Bismarck area?

7 MR. DELORME: Generally or attempt -- attempted to
8 meet up with them, Your Honor. There was lots of discussion of
9 sexual acts he wanted performed on himself and to perform on
10 the individuals. Some of these young ladies didn't sneak out
11 of their house, they didn't meet up with him, but he was making
12 specific requests of them, as well as requests for images and
13 videos of them in a nude state.

14 THE COURT: So how many images, pictures, videos were
15 seized from the cell phone that you mentioned?

16 MR. DELORME: Total, Your Honor?

17 THE COURT: Approximately.

18 MR. DELORME: Probably a couple hundred images and --

19 THE COURT: Okay.

20 MR. DELORME: -- maybe a couple dozen videos.

21 THE COURT: Okay. Mr. Rouse, is the information that
22 Mr. Delorme just outlined here on the record, is that generally
23 accurate?

24 THE DEFENDANT: Yes, Your Honor, that is generally
25 accurate.

1 THE COURT: Is there anything that he said that you
2 disagree with, have a different take on?

3 THE DEFENDANT: The one thing I would like to add,
4 you asked how many had had sexual contact. It was five to six
5 of the persons on the Indictment. The remainder there was
6 either no contact in person whatsoever or no sexual contact.

7 THE COURT: All right. So let's move on to paragraph
8 7 found on page 10. Paragraph 7 is inserted into the Plea
9 Agreement to outline what the maximum penalties are for each of
10 these various offenses. And, Mr. Delorme, the first counts
11 identified in paragraph 7, those are all the same charges,
12 coercion and enticement.

13 MR. DELORME: Yes, Your Honor, it's either the actual
14 coercion or attempt.

15 THE COURT: All right. So in paragraph 7, Counts 1,
16 3, 4, 5, 6, 8, 9, 10, 11, 14, 15, 16, 17, 18 and 20 are all
17 crimes entitled coercion and enticement of a minor to engage in
18 unlawful sexual activity or an attempt? Is that what you said,
19 Mr. Delorme?

20 MR. DELORME: Yes, Your Honor.

21 THE COURT: Okay. Those are all felony offenses.
22 They all -- in the federal system, felony convictions remain on
23 your record for life. They're not expunged after a period of
24 time.

25 And all of these particular crimes carry the same

1 maximum penalty, which is a ten-year mandatory minimum
2 sentence, up to a life sentence, which is the maximum. Each of
3 the counts, each of the crimes carries a maximum fine of
4 \$250,000.

5 when it mentions supervised release, that's a status
6 that a person is on after they're released from the custody of
7 the Bureau of Prisons. That has to be for a minimum of 5 years
8 on each of those counts, up to life. And there'll be a special
9 assessment that's charged on each of the counts. It's -- under
10 federal law it's \$100 per count, so those first counts that
11 we've just talked about would carry a total special assessment
12 of \$1,500, \$100 per count. Any questions about that?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: The mandatory minimums are determined by
15 Congress, not by judges. And for most sex offenses and most
16 drug offenses, for that matter, there are mandatory minimums in
17 the federal criminal justice system.

18 Counts 2, 7, 12, 13, 19 and 21 are all crimes
19 entitled attempted -- receipt of images depicting the sexual
20 exploitation of a minor or attempted receipt of such images, in
21 other words, receipt or attempted receipt of child pornography.
22 Those are also felony offenses.

23 Each of those crimes carries the same maximum
24 penalty, which is a 5-year mandatory minimum, up to a 20-year
25 statutory maximum, \$250,000 fine, placement on federal

1 supervision for a minimum of 5 years, up to a lifetime. And
2 again, for each of those six counts it's a \$100 special
3 assessment, so it would be a total of \$600. Those are the
4 maximum penalties. Any questions about those?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Then paragraph 9 talks about assessments
7 and mandatory restitution. And under federal law with sex
8 offenses such as these, there's possibility of up to a special
9 assessment of \$35,000 on the receipt or attempted receipt of
10 images depicting the sexual exploitation of minor, the child
11 pornography offenses. That carries a potential of up to
12 \$35,000 special assessment per count, understood?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Any questions about what the maximum
15 penalties are?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Then paragraph 9 summarizes what your
18 rights are as a defendant. The most important right that you
19 have when you're charged with a crime in federal court is a
20 right to a jury trial. That means you don't have to plead
21 guilty.

22 Every defendant charged with a crime has a right to
23 have the evidence in their case presented to a jury of 12
24 persons selected by both attorneys and to leave it into the
25 hands of those 12 jurors to decide the outcome of the case, to

1 decide whether you're guilty or not guilty of these crimes.
2 Have you had a chance to visit with Mr. Hoffmann about the pros
3 and cons of proceeding to a jury trial in a case like this?

4 THE DEFENDANT: Yes, Your Honor, I have.

5 THE COURT: In all honesty, these types of cases
6 don't generally play out very well for juries. I had a similar
7 case involving sex offenses of this nature that we tried just a
8 couple weeks ago in this courtroom. And I try a number of
9 these cases every year, but they don't turn out very well for
10 defendants. The fact is I don't ever recall a defendant
11 charged with a child pornography offense or an internet luring
12 offense or a coercion, enticement of a minor offense who's ever
13 been found not guilty by a jury in federal court. But you've
14 discussed that with Mr. Hoffmann, I trust.

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: But what this all means is that you don't
17 have to plead guilty. You are entitled to take this case to
18 trial. If the case went to trial, Mr. Delorme, as the
19 prosecutor, has the burden of proof in a criminal case. As a
20 defendant, you don't have to prove or disprove anything. It's
21 always the government under our Constitution that has the
22 burden of proof. Mr. Delorme has to call witnesses and present
23 evidence, and he has to convince all 12 jurors that you are
24 guilty of the essential elements of each of these crimes.

25 If we had a trial, Mr. Hoffmann is there to

1 cross-examine the government's witnesses and challenge their
2 credibility.

3 If we had a trial, as a defendant you have a right to
4 also call witnesses. You've got the same right as the
5 government. You've got a right to present a defense, a right
6 to call witnesses, and a right to testify in a criminal trial,
7 but you can choose to go to trial and not testify as well
8 because you've got a right to remain silent. In reality, most
9 criminal cases that go to trial, defendants choose not to
10 testify for a number of reasons, but you -- do you understand
11 all of that?

12 THE DEFENDANT: Yes, Your Honor, I do.

13 THE COURT: And if we had a trial and you were found
14 guilty by a jury of any of these counts, you always have a
15 right to appeal. Every defendant can appeal after they've been
16 convicted at a trial. You've got a right to appeal the jury's
17 decision and a right to appeal the sentence that you'd be
18 ordered to serve if there was a conviction.

19 Those are your fundamental Constitutional rights, the
20 most important of which is your right to a jury trial. Do you
21 feel that you understand that?

22 THE DEFENDANT: Yes, Your Honor, I do.

23 THE COURT: Then let's talk about the sentencing
24 guidelines and how they apply to you in this case. Have you
25 had a chance to visit with Mr. Hoffman about the federal

1 sentencing guidelines?

2 THE DEFENDANT: Yes, Your Honor, I have.

3 THE COURT: This manual that I'm holding up is --
4 it's actually the sentencing guideline manual. It's for 2018.
5 This is the most recent edition. The Sentencing Commission
6 hasn't published a manual since 2018 because they don't have
7 a -- nobody in Congress -- or nobody in the White House has
8 bothered to appoint members of the Sentencing Commission. They
9 haven't come out with a manual since 2018. They're not getting
10 much done in Washington in terms of the sentencing guidelines,
11 but this is the manual that applies today.

12 And we've had the sentencing guidelines in existence
13 in the federal system since 1987. They were adopted by
14 Congress and the Sentencing Commission 30-plus years ago to try
15 to provide some uniformity and consistency in how defendants
16 were sentenced in federal criminal cases. And before any
17 defendant is ever sentenced in a federal criminal case
18 nationwide, we are required -- as a judge, I'm required to
19 determine what the sentencing guideline range is.

20 When I first became a judge 20 years ago, the
21 sentencing guidelines were mandatory. That changed probably
22 13, 14 years ago. Now the guidelines are considered to be
23 advisory, so judges have more discretion now than we had 13,
24 14, 15 years ago. When I first became a judge, if the
25 sentencing guideline range was life, then defendants were

1 sentenced to life, and life in the federal system is life.

2 There's no parole, but now we have more discretion.

3 But the sentencing guidelines are all based on two
4 primary factors, your criminal history and the crimes that you
5 plead guilty to. In terms of criminal histories, there are six
6 separate criminal history categories; one, the lowest; six, the
7 highest. You'll fall in Criminal History Category I. You
8 don't have any criminal history whatsoever.

9 Then we have to take a look at each of the crimes
10 that you plead guilty to. Every crime in the federal system
11 has a certain number that's associated with it. It's known as
12 the base offense level for that crime. And in paragraph 14 the
13 parties have agreed that the base offense level for the conduct
14 that you are pleading guilty to is 28. Do you see that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: All right. Then in paragraph 15 the
17 parties have agreed that -- to a number of upward adjustments
18 that may apply in this case. And in child pornography, sex
19 offense cases, there's always a number of upward adjustments
20 that increase that offense level.

21 There's a plus-two upward adjustment in this case for
22 knowing misrepresentation and undue influence; plus-two upward
23 adjustment for use of a computer, a smartphone; plus-two
24 because there was a commission of a sex act; and a plus-21
25 upward adjustment because there were multiple -- multiple

1 victims.

2 According to my math, Mr. Delorme, that's 27 points
3 for upward adjustments and a 28 offense level, which is a 55,
4 not a 57 or 58. And then a minus-three downward adjustment for
5 acceptance of responsibility on the part of the defendant,
6 which, according to my math, is an overall offense level of 52.

7 MR. DELORME: Well, your math is probably better than
8 mine, Your Honor. That's why I married an accountant.

9 THE COURT: All right. And, Mr. Hoffmann, you've
10 come up with the same addition?

11 MR. HOFFMAN: Yes, that's what -- Mr. Rouse and I
12 discussed what's in the -- on page 13.

13 THE COURT: Okay. So at least based on the parties'
14 agreement to the guidelines, you're looking at an overall
15 offense level of 52 and a criminal history category of I. Then
16 we turn to a sentencing table in the back of this manual. Have
17 you seen that wonderful chart?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And that tells us that straight across
20 the board, no matter what criminal history category that you
21 end up in, it's a life sentence. Is that what you've been
22 told?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. And as I mentioned, life is
25 life in the federal system. There's no parole. People don't

1 get out early for any reasons. And if you get a life sentence,
2 then you spend your life in prison.

3 Now, in addition to the sentencing guidelines,
4 there's some other sentencing factors that I'm required to
5 consider in this case. Those sentencing factors are outlined
6 in a federal law. The citation to the law is 18 United States
7 Code, Section 3553, Subpart (a). That particular law sets
8 forth about seven or eight other factors that I'm required to
9 consider before I sentence any defendant.

10 And I'm very familiar with all of those factors.
11 I've been required to consider them in every case that I've
12 ever handled, and I've sentenced thousands of defendants over
13 the years.

14 And you can take a look at what that law says if you
15 wish. Mr. Hoffmann can provide you a copy of that law. If you
16 want to look it up on the internet and/or in any of the
17 libraries that might exist in the prison facilities that you're
18 in, just type in 18 USC, Section 3553(a), and you can see
19 exactly what it is that I'm required to consider.

20 And then at the sentencing hearing both attorneys
21 have opportunity to outline what they believe is an
22 appropriate, reasonable sentence in this case. The government,
23 at paragraph 19, says it's going to recommend a sentence within
24 the applicable guideline range or the mandatory minimum,
25 whichever is greater. And your attorney has a right to

1 recommend any sentence at or above the mandatory minimums that
2 may apply. And you're also given a chance to speak at the
3 sentencing hearing.

4 Any questions about the sentencing guidelines?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: All right. I took a look a few weeks ago
7 at the Sentencing Commission website, and you can, and
8 Mr. Hoffmann can look at that as well. But on their website
9 they've got a new subcategory that you can look at to search
10 for the average sentences for similar crimes like this. They
11 just came out with that website about maybe six months ago.

12 I took a look at it, and it said during the last five
13 fiscal years - that would be 2016 to 2020 - the average
14 sentence for defendants convicted of these types of crimes was
15 313 months. Twenty-six years was the average sentence
16 nationwide. And that average sentence was generally imposed
17 for defendants that ended up with an overall offense level of
18 43 and a criminal history category of I.

19 We get those statistics every three months. I follow
20 the national statistics fairly closely, but do you have any
21 questions at all about the sentencing guidelines?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: All right.

24 THE DEFENDANT: But thank you for explaining it to
25 me. I appreciate that.

1 THE COURT: Then if you could turn next to paragraph
2 23, it's entitled Defendant's waiver of Appeal. It's an
3 important paragraph in the Plea Agreement. Waiver of appeal
4 means giving up your right of appeal. This type of paragraph
5 is found in almost every Plea Agreement that I've ever seen,
6 and I've handled cases in states other than North Dakota.

7 The purpose of waiver of appeal paragraph is to try
8 to put an end to these criminal cases after we've had a
9 sentencing hearing. We're trying to avoid scenarios where
10 defendants get sentenced, and then they go off to prison and
11 decide to try to reopen their cases for a number of reasons, so
12 it's an important paragraph.

13 The Courts of Appeals - and North Dakota sits in the
14 Eighth Circuit Court of Appeals - have all said that plea
15 agreements are considered to be contracts. If you sign a Plea
16 Agreement, you've signed a contract with the federal
17 government, just like any other contract that you might sign in
18 life.

19 And the Courts of Appeals have also said that it's
20 entirely appropriate to include a waiver of appeal paragraph in
21 a Plea Agreement, and they enforce these paragraphs against
22 defendants who turn around and try to appeal after they've been
23 sentenced.

24 There's a lot of legalese in paragraph 23, but when
25 you cut through all of that jargon, the most important sentence

1 is the last sentence, and it says as follows, quote, "Defendant
2 reserves the right to appeal a sentence of imprisonment imposed
3 above the upper end of the applicable guidelines range." Do
4 you see that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: So what that means is that you have
7 agreed that you will accept any sentence that falls within the
8 sentencing guideline range in this case. You are only
9 reserving the right to appeal a sentence that falls above the
10 sentencing guideline range. It appears that the sentencing
11 guideline range will likely be life in this case, so this
12 sentence says that you've agreed that you won't appeal any
13 sentence up to a life sentence. Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Any questions about what that means, to
16 give up your right of appeal?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: As I mentioned, oftentimes defendants,
19 when they've been -- when they've been sentenced, particularly
20 to long sentences, they go off to federal prison, and then
21 within a matter of weeks after they get there, they suddenly
22 become well-educated in sentencing issues. They become experts
23 on sentencing, because there's a lot of jailhouse lawyers in
24 the federal prisons.

25 And throughout the federal prisons there are an

1 abundance of motions that defendants file after sentencing,
2 motions to withdraw their plea. They file motions arguing that
3 nobody ever explained the Plea Agreement to them, that their
4 attorney forced the Plea Agreement upon them, that they came to
5 a change of plea hearing and the judge never explained anything
6 to them, never gave them a chance to ask questions. They argue
7 that they didn't have a clue what they were getting themselves
8 into when they signed the Plea Agreement, and so they claim
9 actual innocence. They claim the right to a jury trial. They
10 try to reopen their case.

11 I've never had a defendant that's been successful
12 that's tried to do that when they've signed a Plea Agreement
13 like this and agreed not to appeal, because the Courts of
14 Appeals, as I mentioned to you, say these are contracts. And
15 they will look at an appeal, and they will simply say to the
16 defendant, "Mr. Defendant, you signed a Plea Agreement. You
17 agreed that you wouldn't appeal. The judge sentenced you in
18 accordance with that agreement and in accordance with the
19 sentencing guideline. You're out of luck. We're not going to
20 listen to the case."

21 We get decisions like that every month from the
22 Eighth Circuit, and usually they're about a page or two in
23 length. There's some legalese in them, but basically what
24 they're saying is, "A deal is a deal is a deal, and you said
25 you wouldn't appeal, so we're not going to listen to it." So

1 it's important that you understand what this paragraph means,
2 and do you feel that you do understand what it means to give up
3 your right of appeal?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. In essence, you've agreed to live
6 with whatever sentence that I order you to serve in this case
7 up to a life sentence, understood?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Then paragraph 25 is entitled Sex
10 Offender Registration, Megan's Law, Adam Walsh Act Notice.
11 Megan's Law and the Adam Walsh Act were laws that were passed
12 probably 15 years ago. And among other things they require
13 that persons convicted of certain sex offenses under federal
14 law be registered as sex offenders.

15 I don't have any discretion whatsoever to waive that,
16 nor do I have any discretion about determining how long
17 somebody has to register as a sex offender. That's all
18 determined by the State of North Dakota if that's the state
19 that you choose to live in.

20 There's a committee appointed by the attorney general
21 of North Dakota of persons from all walks of life. The
22 committee is probably 15 to 20 members in size. They meet a
23 couple times every month. They look at every new case that
24 comes out of the state and federal system that involves a sex
25 offense, and that committee then decides whether the defendant

1 that they're considering is a low, medium or high-risk sex
2 offender.

3 If they consider that the person is low risk, they
4 have to register for a minimum of 15 years. Medium risk is
5 25 years, I believe. High risk is a lifetime of registration.
6 As a federal judge, I'm not involved in that process in any
7 way. That committee never seeks any input from any judges
8 about how we assess a certain offender, whether they're low,
9 medium or high risk. And every state handles it differently,
10 but usually federal judges aren't involved at all in that.

11 So living in North Dakota, you would have to register
12 certainly for a minimum of 15 years, but it could be a lifetime
13 of registration. Do you understand that?

14 THE DEFENDANT: Yes, Your Honor, I do.

15 THE COURT: And some states are even more strict than
16 North Dakota is. And that won't be determined for quite some
17 time, but any questions at all about the need to register as a
18 sex offender as a result of these convictions?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: Okay. Do you have any questions at all
21 about what this Plea Agreement means for you, Mr. Rouse?

22 THE DEFENDANT: No, Your Honor. I believe I fully
23 understand it and the consequences of signing it.

24 THE COURT: Mr. Delorme, in terms of a factual basis
25 for the plea, is there anything more that you wish to add to

1 the record?

2 MR. DELORME: Yes, Your Honor. I'd better add a few
3 things just to make sure we have a full and complete record.
4 We've already talked about Counts 1 and 2, so I'm going to just
5 briefly go over the remainder of the counts.

6 Count 3 is a coercion, enticement or an attempt.
7 A.D. is identified as the victim in that case. A.D. was 13
8 years of age at the time. In that particular matter Mr. Rouse
9 discussed wanting to meet up with her and engage in sex acts,
10 to include A.D. performing oral sex on Mr. Rouse.

11 Count 4 is a coercion, enticement, victim identified
12 as R.J. R.J. was 13 years of age at the time. Rouse
13 communicated with her and wanted to sneak -- her to sneak out
14 so they could meet up and cuddle. R.J. did sneak out and
15 indicated that Rouse took her to his shop, and that's kind of a
16 common thing we see with most of the these girls, Your Honor.
17 There's discussion of the shop, where according to R.J., Rouse
18 held her down and took off her clothes and engaged in vaginal
19 sex with her.

20 Count 5, another coercion, enticement, A.B. is
21 identified as the victim. A.B. was 18 -- or 16 years of age at
22 the time. A.B. was friends with two other girls that were
23 communicating with Mr. Rouse, Your Honor. One of the two
24 girls -- both of which were minors as well, similar age. One
25 of the two girls had met with a -- met up with an individual

1 using the app called Tinder, which is kind of a social dating
2 website.

3 THE COURT: Yeah, I'm familiar with it.

4 MR. DELORME: With a -- with a individual living in
5 Fargo, North Dakota, they needed to get to Fargo, North Dakota,
6 so that this other individual could meet up with her date.
7 They convinced Mr. Rouse to give them a ride to Fargo. One of
8 the things that was intended was that A.B. would then do
9 whatever he -- Mr. Rouse wanted once they got a ride to Fargo.

10 Once they got to Fargo, Mr. Rouse dropped off the two
11 friends. They drove around, found a dark place. Mr. Rouse
12 then proceeded to attempt to engage in sexual conduct with the
13 -- with A.B. He did put his hands down per pants and touch her
14 genitals and digitally penetrated her. However, according to
15 A.B., there was a noise that was loud enough to startle
16 Mr. Rouse, so they ended up driving away and nothing further
17 happened.

18 Count 6, coercion, enticement of a minor again, M.R.
19 is identified as the victim. She was 15 years of age at the
20 time. Mr. Rouse arranged to meet up with them out in Driscoll
21 to do stuff. He picked her up in a gray Jeep, drove to a
22 secluded area, removed M.R.'s clothing. And according to the
23 interview with M.R., he used his phone to take pictures of her
24 nude and then had sex with M.R. We did recover from his phone
25 multiple videos of M.R. engaging in sexual -- sexual conduct.

1 Count 7 is an attempted receipt. B.T. is identified
2 as the victim. B.T. was 14 years of age at the time. B.T.
3 indicated that two times in early 2018, Mr. Rouse communicated
4 with her and specific -- specifically asked for nude top and
5 bottom pics from her. There was some images found, not sexual
6 in nature, Your Honor, but he did make the request of her,
7 supporting the attempt.

8 Count 8, coercion, enticement is again identified in
9 this one. L.W. is the identified victim. L.W. is 14 years of
10 age at the time. Mr. Rouse had communicated with her - this is
11 almost all exclusively Snapchat, Your Honor - asking her for
12 nude pictures, to include focus on her genitalia. L.W. in her
13 interview indicated that on one occasion Mr. Rouse pressed her
14 to sneak out so he could meet up with her so they could have
15 sex together. She did not actually meet up with him, Your
16 Honor, but he did press her for the -- to arrange to meet with
17 her.

18 Count 9 is coercion and enticement of a minor again.
19 J.T. is identified as the victim. J.T. is 14 years of age at
20 the time. J.T. would've met with Mr. Rouse, I think, according
21 to her, 20 to 30 times, Your Honor, had sex with Mr. Rouse four
22 to five times. We can confirm this from videos and images from
23 Mr. Rouse's phone, that he actually produced images or videos
24 himself with himself engaging in vaginal intercourse with J.T.
25 We also know on one occasion Mr. Rouse drove J.T. to a CVS

1 Pharmacy, provided her a credit card, and had her obtain a Plan
2 B pill to prevent any pregnancy from occurring from any sexual
3 acts.

4 Count 10 is coercion, enticement of a minor.
5 C.I. (sic) is identified as the victim. C.I. was 13 at the
6 time. During her chats with Mr. Rouse, Mr. Rouse wanted her to
7 sneak out of her house so he could pick her up, where he would
8 then take her someplace to engage in sexual acts, specifically
9 requested that C.I. perform oral sex on him. We did recover
10 from his phone one video appearing to depict C -- C.L.
11 masturbating, so she would've sent images as well.

12 And I just -- briefly, Your Honor, the original
13 Indictment was 48 counts -- or the Superseding, so the -- what
14 we're agreeing to here in the Plea Agreement is we came down to
15 21 counts, so there -- there's different conduct that happened
16 with each of these girls, but we came down to one count per
17 victim.

18 Count 11 is coercion, enticement of a minor. D.B. is
19 identified as the victim. D.B. was 17 at the time. Rouse had
20 talked to her via Snapchat and encouraged her to meet up with
21 him, and she agreed. He picked her up, and the whole idea here
22 was to cuddle. They drove to a undisclosed place, where B.D.
23 performed oral sex on Mr. Rouse until he ejaculated. We did
24 also recover a video of D.B. masturbating, recovered from
25 Mr. Rouse's phone.

1 Count 12, attempted receipt, this is a -- G.L. is
2 identified as the victim. She was 14 years of age at the time.
3 Rouse had provided her some JUULpods. I don't know if you're
4 aware of those, Your Honor. Those are those little pods that
5 go inside those vapor smoker devices, so nicotine. It's like a
6 vape -- vape pen.

7 THE COURT: I've heard of them, but I don't know what
8 they are.

9 MR. DELORME: It's like the refillable things. It's
10 what they -- what you use to actually make the device work.

11 THE COURT: All right.

12 MR. DELORME: He provided her some JUULpods and
13 indicated that next time he was going to provide her some, he
14 would want something from her and asked for nude pics, and he
15 did ask for the nude pics. He -- we did find some images on
16 his phone, Your Honor, but none of them were nude. There were
17 some images of her in just her bra, and that's supporting the
18 receipt or attempted receipt.

19 Count 13, attempted receipt again, C.S. was
20 identified as the victim. C.S. was 14 years of age at the
21 time. Rouse -- Rouse specifically asked her to send nude
22 images of herself. Videos, images were recovered from
23 Mr. Rouse's phone, which appeared to depict C.S. nude, C.S.'s
24 nude vaginal area.

25 Count 14 is coercion, enticement of a minor. P.V. is

1 identified as the victim. She was 15 years of age at the time.
2 Rouse asked her for nude images. She sent him images of her
3 nude breast and vagina and some masturbation videos. On one
4 occasion Rouse drove to Garrison, North Dakota, convinced her
5 to meet up with him. When they met, Rouse kissed her hard
6 enough -- or kissed her and then bit her lip hard enough to
7 make her bleed. Rouse did touch her vaginal and breast area
8 over her clothing and attempted to insert his hand into her
9 pants and under her -- but she declined at that point, and the
10 event ended.

11 Count 15, coercion, enticement of a minor, A.S. is
12 identified as the victim. A.S. was 14 or 15 years of age at
13 the time. Mr. Rouse told A.S. that he wanted to have sex with
14 her and requested nude imagery, to include images of her -- her
15 vagina. Rouse requested to meet up with A.S. on numerous
16 occasions, which A.S. believed to be for sexual purposes. We
17 did also recover from his phone a video of A.S.'s exposed
18 breast and a video of A.S. in her underwear displaying her
19 buttocks or focus on her buttocks area.

20 Count 16, coercion, enticement again, A.J.M. is
21 identified as the victim. A.J.M. was 14 years of age at the
22 time. Rouse requested that he -- or that she send him nude
23 images of herself. Rouse requested to meet up with A.J.M. to
24 meet to engage in sex acts with her. A.J.M. recalled Rouse
25 being into rough sex and discussing that with -- with her. She

1 did not end up meeting with him, but the request was made for
2 sexual purposes.

3 Count 17, coercion, enticement again, R.P. is
4 identified as the victim. R.P. is 14 years of age at the time.
5 Mr. Rouse requested R.P. send pictures of breasts and buttocks
6 and vagina. He also requested to meet up with R.P. for sex.
7 She did not actually meet up with him.

8 Count 18, coercion, enticement of a minor, A.J. is
9 identified as the victim. A.J. was 15 years of age at the
10 time. Mr. Rouse had request -- requested to meet with A.J. on
11 numerous occasions. Rouse -- Mr. Rouse did drive to A.J.'s
12 location on one occasion, picked her up from her residence to
13 buy cigarettes, but I don't think that anything sexual occurred
14 on that occasion, Your Honor. There were images of A.J.'s
15 breast and A.J.'s focus of her underwear area that were also
16 recovered from Mr. Rouse's phone.

17 Count 19 is attempted receipt, victim identified as
18 S.S. S.S. was 13 years of age at the time. Again, Mr. Rouse
19 requested she send nude images. She did send nude images of
20 herself, specifically her genitalia. And we did recover videos
21 and images depicting S.S.'s vagina and S.S. masturbating.

22 Count 20 is coercion, enticement of a minor. This is
23 -- E.A. is identified as the victim, Your Honor. E.A. was 12
24 years of age at the time. Mr. Rouse asked her for nude images
25 of her breast and of her vaginal area. And on one occasion he

1 asked E.A. to sneak out and gave E.A. a list of rules, to
2 include rules for masturbating and sending imagery. And we did
3 recover close-up images of her vagina and breast, Your Honor.

4 Count 21 is receipt of images. K.B. is identified as
5 the victim. K.B. was 13 years of age at the time. Mr. Rouse
6 was communicating with her, asked her for nude images. And we
7 did find nude images, close-up of her vaginal area and breast
8 on Mr. Rouse's phone.

9 THE COURT: Anything else about the Plea Agreement,
10 Mr. Delorme? Specifically, any other provisions that you feel
11 that I need to visit with Mr. Rouse about that have not been
12 covered already?

13 MR. DELORME: The only other thing, Your Honor, is
14 that there's an agreement in here to -- for the forfeiture of
15 the iPhone XS, which I believe Mr. Hoffmann has reviewed the
16 Preliminary -- Preliminary Order of Forfeiture, so I don't
17 think that has been discussed with Mr. Rouse yet himself.

18 THE COURT: Mr. Hoffmann, anything that you want to
19 add, clarify or explain concerning the factual basis for the
20 plea or anything else that we've talked about to date?

21 MR. HOFFMAN: No, Your Honor.

22 THE COURT: And have you visited with Mr. Rouse about
23 the Preliminary Order of Forfeiture prepared by the government?

24 MR. HOFFMAN: We -- not that order. It was presented
25 to me by the government before Mr. Rouse was brought into the

1 courtroom. I looked it over. It involves his cell phone that
2 he referred to in his conversation with you, so there is an
3 actual order of forfeiture of --

4 THE COURT: And what the Preliminary Order of
5 Forfeiture means, Mr. Rouse, is the government is requesting
6 that as a result of any plea of guilty here to these charges,
7 that you agree to forfeit any ownership interest that you have
8 in the iPhone at issue here. That's all it essentially says.

9 THE DEFENDANT: Understood.

10 THE COURT: Okay. And you don't have any objection
11 to my signing of such an order of forfeiture?

12 THE DEFENDANT: No, Your Honor, no objection.

13 THE COURT: All right. It says the -- dated January
14 here, Mr. Delorme, but I'll --

15 MR. DELORME: Yeah, Your Honor, we actually reset
16 this hearing a couple times.

17 THE COURT: Right.

18 MR. DELORME: Yeah, there was, I think, a snowstorm
19 in December. Then in January --

20 THE COURT: Right.

21 MR. DELORME: -- I think there was difficulty --
22 other difficulties.

23 THE COURT: But, Mr. Hoffman, are there any other
24 provisions of the Plea Agreement that you feel that I need to
25 address with Mr. Rouse here this morning?

1 MR. HOFFMAN: No, Your Honor.

2 THE COURT: All right. Mr. Rouse, any questions
3 about anything that we've discussed so far?

4 THE DEFENDANT: Just a few factual clarifications.

5 THE COURT: Sure.

6 THE DEFENDANT: Mr. Delorme made a comment that the
7 general theme was that these people were being brought to my
8 shop. There were only two people on the Indictment that were
9 ever brought to the shop.

10 THE COURT: Okay.

11 THE DEFENDANT: In addition to that, on Count
12 Number 6, again, for factual clarification, I did not have sex
13 with M.R., and I did not take any photos with my phone or any
14 other device at the time that I did meet up with her.

15 THE COURT: All right.

16 THE DEFENDANT: And that is all, Your Honor.

17 THE COURT: Well, I'm simply going to ask you now,
18 Mr. Rouse, how you intend to plead to these charges. I can
19 read each and every one of the charges to you if you wish.
20 Some defendants really enjoy having the judge do that. Most
21 defendants agree to waive the reading of the charge and simply
22 ask how defendants intend to plead, but if you want me to read
23 the charges, I will, but if you're willing to waive that, it'll
24 save some time for everybody.

25 THE DEFENDANT: Your Honor, I will waive the reading

1 of the charges.

2 THE COURT: But before I ask you how you plead to
3 these charges, do you have any questions or concerns that you
4 wish to raise?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: All right.

7 MR. HOFFMAN: Your Honor, I do have a couple things.

8 THE COURT: Yep.

9 MR. HOFFMAN: When Mr. Rouse and I met before today,
10 he had a concern about Count 19 and Count 21 being entitled
11 with the word -- the use of the word "children." The statute
12 is "minor." The actual wording of the charge includes "minor,"
13 but it's just entitled "children."

14 THE COURT: Sure.

15 MR. HOFFMAN: And we'd ask that you would amend that,
16 please.

17 MR. DELORME: I don't have any problem with that,
18 Your Honor. I indicated to Mr. Hoffmann before the hearing
19 that that was just, you know, probably a typographical error
20 and it should've read "minor."

21 THE COURT: So I will order the amendment of Count 19
22 and Count 21 to reflect that the word "children" will be struck
23 from the title of both of those crimes and replaced with simply
24 the word "minor." Anything else?

25 MR. HOFFMAN: No, Judge. Thank you.

1 THE COURT: All right. So, Mr. Rouse, I need to go
2 through each one of these charges and simply ask how you intend
3 to plead. So with respect to Count 1 in the Information, the
4 crime of coercion and enticement of a minor to engage in
5 unlawful activity relating to victim identified as E.V., how do
6 you intend to plead to that charge?

7 THE DEFENDANT: Guilty, Your Honor.

8 THE COURT: Count 2 is a crime of attempted receipt
9 of images depicting the sexual exploitation of a minor. It
10 relates to the victim identified as M.G. To Count 2, how do
11 you intend to plead this morning, sir?

12 THE DEFENDANT: Guilty, Your Honor.

13 THE COURT: Count 3 is a crime of coercion and
14 enticement of a minor to engage in unlawful sexual activity
15 pertaining to the victim identified as A.D. To that charge,
16 how do you intend to plead, sir?

17 THE DEFENDANT: Guilty, Your Honor.

18 THE COURT: Count 4 is also a crime of coercion and
19 enticement of a minor to engage in unlawful sexual activity
20 relating to the victim identified as R.J. To Count 4, sir, how
21 do you intend to plead?

22 THE DEFENDANT: Guilty, Your Honor.

23 THE COURT: Count 5, also a coercion and enticement
24 offense relating to the victim identified as A.B., to that
25 Count 5, Mr. Rouse, how do you intend to plead?

1 THE DEFENDANT: Guilty, Your Honor.

2 THE COURT: Count 6, another coercion and enticement
3 of a minor offense relating to the victim identified as M.R.,
4 to Count 6, Mr. Rouse, how do you intend to plead this morning?

5 THE DEFENDANT: Guilty, Your Honor.

6 THE COURT: Count 7 is a crime of attempted receipt
7 of images depicting the sexual exploitation of a minor
8 pertaining to the victim identified as B.T. To that Count 7
9 offense, sir, how do you intend to plead?

10 THE DEFENDANT: Guilty, Your Honor.

11 THE COURT: Count 8 is a coercion and enticement
12 offense of a minor relating to the victim identified as L.W.
13 To Count 8, Mr. Rouse, how do you intend to plead this morning?

14 THE DEFENDANT: Guilty, Your Honor.

15 THE COURT: Count 9, another coercion or an
16 enticement of a minor offense relating to victim identified as
17 J.T., to Count 9, Mr. Rouse, how do you intend to plead, guilty
18 or not guilty?

19 THE DEFENDANT: Guilty, Your Honor.

20 THE COURT: To Count 10, coercion or enticement of a
21 minor offense relating to victim identified as C.L., to Count
22 10, Mr. Rouse, how do you wish to plead?

23 THE DEFENDANT: Guilty, Your Honor.

24 THE COURT: Count 11, another coercion or enticement
25 of a minor offense relating to victim identified as D.B., to

1 Count 11, Mr. Rouse, how do you intend to plead this morning?

2 THE DEFENDANT: Guilty, Your Honor.

3 THE COURT: Count 12 is an attempted receipt of
4 images depicting the sexual exploitation of a minor. This
5 concerns victim identified as G.L. To Count 12, Mr. Rouse, how
6 do you wish to plead?

7 THE DEFENDANT: Guilty, Your Honor.

8 THE COURT: Count 13, another attempted receipt
9 offense relating to the victim identified as C.S., to Count 13,
10 Mr. Rouse, how do you intend to plead?

11 THE DEFENDANT: Guilty, Your Honor.

12 THE COURT: Count 14 is a coercion and enticement of
13 a minor offense relating to the victim identified as P.V., as
14 in Victor. How do you wish to plead to Count 14, sir?

15 THE DEFENDANT: Guilty, Your Honor.

16 THE COURT: Count 15, a coercion and enticement of a
17 minor offense relating to the victim identified as A.S., to
18 Count 15, Mr. Rouse, how do you intend to plead this morning?

19 THE DEFENDANT: Guilty, Your Honor.

20 THE COURT: Count 16 is another coercion or
21 enticement of a minor offense relating to the victim identified
22 as A.J.M. To Count 16, Mr. Rouse, how wish to plead this
23 morning?

24 THE DEFENDANT: Guilty, Your Honor.

25 THE COURT: Count 17 is a coercion and enticement of

1 a minor offense relating to the victim identified as R.P. To
2 Count 17, Mr. Rouse, how do you wish to plead, sir?

3 THE DEFENDANT: Guilty, Your Honor.

4 THE COURT: Count 18 is another coercion or
5 enticement of a minor offense relating to the victim identified
6 as A.J. To Count 18, sir, how do you wish to plead this
7 morning?

8 THE DEFENDANT: Guilty, Your Honor.

9 THE COURT: Count 19 is an attempted receipt of
10 images depicting the sexual exploitation of a minor. That
11 pertains to victim identified as S.S. To Count 19, Mr. Rouse,
12 how do you intend to plead?

13 THE DEFENDANT: Guilty, Your Honor.

14 THE COURT: Count 20 is a coercion and enticement of
15 a minor offense relating to the victim identified as E.A. To
16 Count 20, Mr. Rouse, how do you intend to plead?

17 THE DEFENDANT: Guilty, Your Honor.

18 THE COURT: And Count 21 is a crime entitled receipt
19 of images depicting the sexual exploitation of a minor. It
20 relates to the victim identified as K.B. To Count 21,
21 Mr. Rouse, how do you intend to plead?

22 THE DEFENDANT: Guilty, Your Honor.

23 THE COURT: The Court accepts your pleas of guilty,
24 Mr. Rouse, to Counts 1 through 21. I find that you are a
25 competent young man who understands what the consequences are

1 for pleading guilty and that you understand what your rights
2 are as a defendant. I find that you've entered a knowing and
3 voluntary plea to each of these counts, with the assistance of
4 your attorney.

5 I further find that there's a sufficient factual
6 basis for each of these 21 counts that support finding you
7 guilty as required under federal law, and in accordance with
8 Rule 11, I accept your plea on all 21 counts.

9 I'm ordering now that the United States Probation
10 Office begin work to prepare a report that's done in every case
11 nationwide. It's called a Presentence Investigation Report.
12 Carly Dalbey is the young lady up on the video screen. She's a
13 federal probation officer in Fargo. She's been assigned the
14 task of preparing this report. It will probably take several
15 months to prepare it.

16 The presentence investigation report is primarily
17 used for sentencing purposes. It's a report that both parties
18 will have an opportunity to review before it's finalized. It's
19 a report that also goes to the Bureau of Prisons following
20 sentencing.

21 The first thing that Ms. Dalbey will need to do is to
22 schedule an interview of you. That'll probably be by phone,
23 although it might be in person. She'll schedule that through
24 Mr. Hoffmann because your attorney has a right to be present
25 when you're interviewed.

1 The interview is not some intense police
2 interrogation. It's just to gather background, factual
3 information from you because these reports contain a lot of
4 detailed information about your background, your family, your
5 education, your work experience, your criminal history. And it
6 also contains a rather lengthy discussion about the sentencing
7 guidelines.

8 The probation officer will have access to the
9 discovery. I haven't seen the discovery or the evidence in
10 this case, but the probation officer will. And then she will
11 also include a rather lengthy discussion about the sentencing
12 guidelines and what she believes are the appropriate sentencing
13 guidelines in this case.

14 The interview will probably take place within the
15 next week, but again, it's going to take a couple months to put
16 these reports together. It takes that long because these
17 officers have a backlog of other cases on their desk as well.

18 But you and Mr. Hoffmann will have a chance to go
19 through this presentence investigation report before it's ever
20 finalized and long before it comes to me. Mr. Hoffmann will
21 get you a copy of the report. Please read it over carefully.
22 If you notice any errors or mistakes in the report, it's
23 important that you let your attorney know about that
24 immediately.

25 And then Mr. Hoffmann will follow up with Ms. Dalbey,

1 and they'll try to get the report revised, if it can be
2 revised, but I don't see these reports until they're finalized.

3 And if you don't understand any part of the report,
4 if you have difficulty -- you won't have difficulty reading it,
5 but the discussion about the sentencing guidelines is a bit
6 foreign to most people, so ask questions. Mr. Hoffmann has
7 looked at hundreds upon hundreds of these. He can answer any
8 question that you might have, but you need to speak up and ask
9 questions if you don't understand what something means in the
10 report. Fair enough?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I would guess that your parents will
13 probably also be contacted by Ms. Dalbey, not for a lengthy
14 interview, but most likely to just back up, corroborate some of
15 the information, background information about you, so don't be
16 surprised if there's calls made by Ms. Dalbey to your parents.

17 And then following all of that we'll have a
18 sentencing hearing. According to my record, the sentencing
19 hearing has been scheduled for Tuesday, April 5, 2022, at
20 1:30 p.m. in this courtroom. Is that what counsel have been
21 notified of?

22 MR. DELORME: I think that might've been set when we
23 had the original --

24 THE COURT: Oh --

25 MR. DELORME: -- change of plea hearing.

1 THE COURT: -- yeah, probably. I would guess it'll
2 probably be a month or two after that now, but it'll be set at
3 a time that's convenient for both attorneys.

4 And at the sentencing hearing, everybody gets a
5 chance to speak. Both attorneys can outline their
6 recommendations for a sentence. You're given a chance to
7 speak. If you want to call any witnesses, you're entitled to
8 do that.

9 If you want to submit anything in writing for me to
10 consider, you're entitled to do that. I always encourage
11 defendants to submit letters of support from people that know
12 them well. You don't have to do that. If you don't do it, I'm
13 not going to hold it against you, but those kind of letters
14 from family and friends help me better understand the person
15 that I'm about to sentence.

16 And more often than not, those letters provide me
17 with a little more insight about what you've been dealing with
18 throughout your lifetime and provide me with more information
19 than what I'm going to glean from a presentence investigation
20 report, which is pretty much black-and-white, factual
21 information about you. It doesn't tell me anything about your
22 character or your -- things of that nature, but talk to
23 Mr. Hoffmann. He can give you some guidance and direction
24 about what judges are interested in hearing from defendants
25 that they're about to sentence.

1 The victims or the victims' parents also have a right
2 to testify. Have the victims and the victims' parents been
3 notified of this hearing, Mr. Delorme?

4 MR. DELORME: Yes, Your Honor.

5 THE COURT: All right. And do you envision a lengthy
6 sentencing hearing with a number of witnesses or not?

7 MR. DELORME: I would anticipate some witnesses, Your
8 Honor. I don't think there'll be somebody from each account --
9 each count speaking, so I would ask that the Court probably set
10 it for two, two-and-a-half hours.

11 THE COURT: All right. Do you envision that most of
12 the victims or the parents will be submitting something in
13 writing, victim impact statement, or --

14 MR. DELORME: I think you'll probably come to realize
15 this through the PSR, Your Honor. A lot of these individuals
16 are, you know, coming from families that are socioeconomically
17 challenged, so there's probably going to be maybe half or more
18 of them will probably submit something or want to speak.

19 THE COURT: All right.

20 MR. DELORME: But I don't think we're going to see
21 every single one of them.

22 THE COURT: Well, everybody is entitled to speak, and
23 I don't put any restrictions in that regard on anyone. But,
24 Mr. Delorme and Mr. Hoffmann, do you -- or, Mr. Delorme, first
25 of all, do you expect to be calling any witnesses,

1 investigating officers or anyone else?

2 MR. DELORME: I may have the case agent, Detective
3 Rask, speak for a little bit at the beginning, Your Honor, just
4 to highlight some of the, you know, facts of the case and what
5 he discovered during the investigation.

6 THE COURT: Do you envision any calling of witnesses
7 to address sentencing guideline adjustments?

8 MR. DELORME: No, Your Honor.

9 THE COURT: All right. Mr. Hoffmann, it's months
10 away, but what do you envision in terms of number of witnesses
11 that you may call and how long that you would expect to take
12 for any sentencing hearing?

13 MR. HOFFMAN: Your Honor, I anticipate I'll be
14 calling as a witness Dr. Shannon Weisz, psychologist here in
15 town. Whether I have any family members testify, I guess that
16 remains to be seen.

17 THE COURT: All right.

18 MR. HOFFMAN: But there will be letters.

19 THE COURT: And Shannon Weisz has issued or will be
20 issuing a written report that I'll have a chance to read
21 beforehand or not?

22 MR. HOFFMAN: He has done a report, yes, Your Honor.

23 THE COURT: Okay. And is that going to be a part of
24 any sentencing memorandum that you submit, so --

25 MR. HOFFMAN: Yes, Your Honor.

1 THE COURT: -- I would have access and be able to
2 read his report before sentencing?

3 MR. HOFFMAN: I anticipate that we'd sign a release
4 so that the probation officer could have it.

5 THE COURT: All right. So we'll probably set aside a
6 morning or an afternoon. Do you think that would be
7 sufficient, Mr. Delorme, for a sentencing hearing?

8 MR. DELORME: I think so, Your Honor.

9 MR. HOFFMAN: Yes, Your Honor.

10 THE COURT: All right. Mr. Rouse, do you have any
11 questions at all about anything that's gone on here today?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: All right. So I'll remand you back to
14 the custody of the U.S. marshals. I don't -- I'm not sure
15 where they're going to hold you until the time of the
16 sentencing hearing with COVID and crowded conditions
17 everywhere. I have to leave it in their hands, and --

18 MR. DELORME: Your Honor, before we close, I do have
19 a Waiver of Indictment now --

20 THE COURT: Okay.

21 MR. DELORME: -- that's been signed by Mr. Rouse and
22 Mr. Hoffmann. May I approach?

23 THE COURT: Certainly. And, Mr. Hoffmann, you've
24 reviewed this Waiver of Indictment form with Mr. Rouse
25 beforehand?

1 MR. HOFFMAN: Yes, Your Honor.

2 THE COURT: All right. So the record should reflect
3 that Mr. Rouse and his attorney have signed a waiver of
4 Indictment form in open court here today.

5 Anything else, Mr. Delorme?

6 MR. DELORME: No, Your Honor.

7 THE COURT: Mr. Hoffmann, anything else we need to
8 take care of?

9 MR. HOFFMAN: Just one moment, Judge.

10 THE COURT: Yep.

11 MR. HOFFMAN: Your Honor, one last thing, the parents
12 of Mr. Rouse asked if they could -- to ask you if they could
13 give Mr. Rouse a hug. I guess he's been incarcerated for two
14 years, and there's really been no contact.

15 THE COURT: The U.S. Marshals nationwide frowns on
16 that in any public hearing, so their policy is they don't allow
17 it. I follow their policies.

18 MR. HOFFMAN: That's fine, Judge.

19 THE COURT: Sorry. I'll remand you back to the
20 custody of the U.S. marshals, Mr. Rouse.

21 we'll stand adjourned.

22 (Proceedings concluded at 9:47 a.m., the same day.)

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CERTIFICATE OF COURT REPORTER

I, Sandra E. Ehrmantraut, a Certified Realtime Reporter,

DO HEREBY CERTIFY that I recorded in shorthand the foregoing proceedings had and made of record at the time and place hereinbefore indicated.

I DO HEREBY FURTHER CERTIFY that the foregoing typewritten pages contain an accurate transcript of my shorthand notes then and there taken.

Dated: July 21, 2022

/s/ Sandra E. Ehrmantraut
Certified Realtime Reporter